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MAR 20 2003

PETITIONS OFFICE

To: Office of Petitions	From: Marjorie Scariati
Fax: 703-308-6916	Pages: 10
Phone:	Date: 3/20/03
Re: 10/038,882	CC:

☒ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

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If you received this communication in error, please immediately notify us by a collect telephone call to the writer and return the original message and documents to us at the above address via the United States postal service.

Please see attached Supplemental Statement to Petition Under 37 CFR 1.47(a).

I hereby certify that this correspondence is being deposited with the United States Patent Office, Assistant Commissioner for Patents, on MARCH 20, 2003 via facsimile to the Office of Petitions at: 703-308-6916.

Date 3/20/03

Signature: Marjorie Scariati
Marjorie Scariati

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Huali "Ariel" Luo et al.

Serial No.: 10/038,882

Filed: 01/02/2002

Title: BIDIRECTIONAL OPTICAL INTERLEAVER

Art Unit: 2872

Docket No.: 00-18

Via Facsimile 703-308-6916
Office of Petitions
Assistant Commissioner for Patents
Washington, DC 20231

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PETITIONS OFFICE

SUPPLEMENTAL STATEMENT TO PETITION UNDER 1.47(a)

Sir:

Applicants attorney notes that a Petition Under 1.47(a) was filed in the above-referenced application on August 6, 2002, and was received by the U.S. PTO on August 12, 2002 per the enclosed stamped confirmation postcard. To date, Applicants' attorney has received no decision from the Office of Petitions regarding this Petition. A courtesy copy of the August 6, 2002 Petition Under 37 CFR 1.47(a) is enclosed herewith.

Applicants attorney filed an identical Petition in commonly assigned patent application serial number 10/039,242 on August 6, 2002 as well, and received a Decision Refusing Status Under 37 CFR 1.47(a) dated September 20, 2002. A response to that Decision Refusing Status is has been filed on even date herewith.

In anticipation that the Petition Under 37 CFR 1.47(a) would ultimately receive the same rejection in application 10/038,882 as was received in application 10/039,242, i.e. that the Petition Under 37 CFR 1.47(a) filed on August 6, 2002 did not meet the requirement of Rule 47 (1), and that the applicant has provided insufficient "proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration), applicant submits herewith a supplemental statement from Dr. Sheau Chen, President and CEO, WaveSplitter Technologies, Inc., clarifying that the "documents" received by Mr. Sullivan on May 7, 2002 and again on May 24, 2002 included not only Declaration and Assignment documents, but a copy of the entire application (specification, claims, abstract, and drawings) as well.

In view of the enclosed clarified statement, Applicant hereby petitions the Assistant Commissioner to accept this application without the signature of the second inventor, and to maintain the January 2, 2002 filing date of this application accordingly. It is respectfully requested that a written decision granting the Petition originally filed on August 6, 2002 be provided, and that the application proceed to the appropriate Technology Center for Examination accordingly.

The \$130 Petition fee was charged to the undersigned attorney's deposit account No. 50-1047 on August 14, 2002. Any deficiencies may be charged to deposit account No. 50-1047.

Respectfully submitted,


Karin L. Williams Reg. No. 36,721

Attorney for Applicant
Mayer Forthort & Williams, PC
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Tel.: 908-518-7700



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MAR 20 2003

March 17, 2003

PETITIONS OFFICE

This will confirm that WaveSplitter Technologies, Inc. ("WaveSplitter") has made reasonable efforts to secure the signature of its former employee, Kevin Sullivan, to the Assignment for the United States Patent Application form and to the Declaration and Power of Attorney For Patent Application form for its U.S. Patent Application Serial No. 10/039,242 and U.S. Patent Application Serial No. 10/038,882, respectively.

WaveSplitter sent written requests to Mr. Sullivan via Federal Express to his last known place of residence on May 7, 2002, and again on May 24, 2002. In each case, these requests included a copy of the application as filed in matter 10/039,242 and in matter 10/038,882 for Mr. Sullivan's review, including specification, claims, abstract and drawings, as well as the Declaration and Assignment documents for each matter for Mr. Sullivan's signature.

Attached are copies of the Federal Express email confirmations confirming Mr. Sullivan's receipt of the above documents. To date, Mr. Sullivan has failed to respond to any of the efforts made to contact him.

A handwritten signature in black ink, appearing to read "Dr. Sheau Chen". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Dr. Sheau Chen
President and CEO
WaveSplitter Technologies, Inc.

4 4 4 1 0

FIREHOUT BAYO.

FIREHOUT, CA 94538

TEL: 510.580.0000

FAX: 510.580.0000

www.wavesplitter.com

RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: 00-18

Via First Class Mail

Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

Re: Ariel Luo et al.
Serial No.: 10/038,882



Please date stamp to confirm receipt of:

1. Response to Notice to File Missing Parts, including Certificate of Mailing by First Class Mail
2. Copy of the Notice to File Missing Parts
3. Executed Declaration and Power of Attorney
4. Recordation Form Cover Sheet, Patents Only
5. Assignment in favor of Wavesplitter Technologies, Inc.
6. Petition Under 37 CFR 1.47(a), including Statement of Abigail Murphy and copies of 2 Federal Express Receipts

FAX RECEIVED

MAR 20 2003

PETITIONS OFFICE

WAVESPLITTER

July 12, 2002

This will confirm that WaveSplitter Technologies, Inc. ("WaveSplitter") has made reasonable efforts in attempting to secure the signature of its former employee, Kevin Sullivan, to the Assignment for United States Patent Application form and to the Declaration and Power of Attorney For Patent Application form for its U.S. patent application serial no. 10/039,242 and U.S. patent application serial no. 10/038,882, respectively. WaveSplitter sent written requests to Mr. Sullivan at his current place of residence. Mr. Sullivan has failed to respond to any of these efforts.

4 4 4 3 0

FACEDOT BLVD.

PERHENT, CA 94538

Tel: 510.580.8000

Fax: 510.580.8000

www.wavesplitter.com

WaveSplitter Technologies, Inc.

By:

Abigail S. Murphy

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MAR 20 2003

PETITIONS OFFICE

Marjorie Scariati

From: Murphy, Abigail [Abigail_Murphy@wavesplitter.com]
Sent: Thursday, July 11, 2002 4:23 PM
To: 'mscariati@mfwlaw.com'
Subject: FW: FedEx shipment 790428588985

Marj:

Here is 1 of the 2 FedEx shipment confirmations for Kevin Sullivan. I will send you the second one shortly.

Thanks,
Abbey

-----Original Message-----

From: sysdeliv@esprim5.prod.fedex.com
[mailto:sysdeliv@esprim5.prod.fedex.com]
Sent: Friday, May 24, 2002 12:37 PM
To: abigail_murphy@wavesplitter.com
Subject: FedEx shipment 790428588985

Our records indicate that the shipment sent from ABIGAIL B. MURPHY/WAVESPLITTER TECHNOLOG to Kevin Sullivan has been delivered. The package was delivered on 05/24/2002 at 12:22 PM and signed for or released by K. SULLIVAN.

The ship date of the shipment was 05/23/2002.

The tracking number of this shipment was 790428588985.

Thank you for shipping with FedEx Ship Manager at FedEx.com.
https://www.fedex.com/cgi-bin/ship_it/interNetShip/

To track the status of this shipment on line click on the following:
http://www.fedex.com/cgi-bin/tracking?tracknumbers=790428588985&action=track&language=english&cntry_code=us

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